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| 10/579,138 | 05/15/2006 | Hamid Rassoulian | 2-424 | 6487 |

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

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| EXAMINER |
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GARRETT, ERIKA P

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| ART UNIT | PAPER NUMBER |
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3636

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10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|---------------------------|-------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/579,138 | RASSOULIAN, HAMID |
| | Examiner Erika Garrett | Art Unit 3636 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 May 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 14-34 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 14-34 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)

Paper No(s)/Mail Date 5/15/06.

4) Interview Summary (PTO-413)

Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In regards to claims 18-21, the phrase "the or each" is unclear and confusing to how many support surfaces they are? These claims depend for claim 14 and claim 14 only states one support surface.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 14-25 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Novis (5,752,683). Novis discloses the use of a chair (10) having a seat and a support surface (12) mounted on a frame member (24) for supporting the arm of a user, the support surface being vertically positionable at first user-defined positions

above the seat and being pivotally mounted on the frame member to allow the support surface to be positionable in a plurality of second user-defined positions usable to support a forearm of a user whilst the user performs a task, see figures 1-4.

6. In regards to claim 15, wherein a plurality of support surfaces (20, 22) are provided.
7. In regards to claim 16, wherein each support surface is mounted on a dedicated frame member (60, 62).
8. In regards to claim 17, the second and any further support surfaces is vertically positionable with respect to the seat positionable in a plurality of user-defined positions.
9. In regards to claim 18, wherein the support surface is curved (figure 4).
10. In regards to claim 19, wherein the support surface is of semicircular, elliptical or otherwise curved form (figure 4).
11. In regards to claim 20, the support surface is an elongate, cranked member having a shorter limb and a longer limb (figure 4).
12. In regards to claim 21, the support surface is mounted to its frame member by a universal joint (24) securable in any particular user-defined support surface position.
13. In regards to claim 22, the support surface provides a forearm support surface, the forearm support surface being locatable outside of the footprint of the seat when in use see figures 4 and 6.
14. In regards to claim 23, a device support the arm of a user, the device comprising an arm support (12) pivotally attached to a frame member (24), the frame member being mountable or attachable to a chair, the device comprising means to allow the

support surface to be positionable at user-defined positions above the chair when attached thereto and means (60) to allow the support surface to be positionable in a plurality of user-defined positions usable to support the forearm of a user whilst the user undertakes a task.

15. In regards to claim 24, a device to support the arm of a user, the device comprising an arm support (12) pivotally attached to a frame member (24), the frame member being mountable or attachable to a chair, the device comprising means (60) to allow the support surface to be positionable at user-defined positions above the chair when attached thereto and means to allow the support surface to be positionable in a plurality of user-defined positions usable to support, in front of the user, the forearm of a user whilst the user undertakes a task, see figures 4-6.

16. Claims 25-27 and 30-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Runnella (4,093,308). Runnella discloses the use of a dentists chair (figures 1) in which a patient is seat able, the chair comprising a support surface (30) for the arm of a user mounted on a frame member (80), the support surface being positionable at user-defined positions vertically displaced above the seat and being pivotally mounted on the frame member to allow the support surface to be positionable in a plurality of user-defined positions (figure 2) to support a forearm of the user whilst the user undertakes examination or treatment of the patient seated in the chair.

17. In regards to claim 26, further comprising a second support surface (30, located on the other side) for the other forearm of the user.

18. In regards to claim 27, the second support surface is positionable at a plurality of user-defined positions (see abstract) vertically displaced above the seat.
19. In regards to claim 30, the first and second support surfaces are locatable, in use, on different sides of the patients head, see figure 1.
20. In regards to claim 31, the first and second support surfaces are relatively translatable with respect to one another.
21. In regards to claim 32, the head of the patient seated in the chair is supportable on the frame member.
22. In regards to claim 33, the frame member is covered by a padded head rest member (14).
23. In regards to claim 34, the device is mounted upon a dentist's chair, such that the arm support is able to provide, in use, adjustable surfaces for the dentist's arms.

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
25. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Runnella in view of Novis (5,752,683). Runnella fails to show the use of a second support surface is a member which interconnects two limbs of a pair of matched L-shaped members, and the members are pivotable with respect to the frame member.

26. Novis teaches the use of a second support surface is a member which interconnects two limbs (50, 76) of a pair of matched L-shaped members, and the members are pivotable with respect to the frame member.

27. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the support member with two limbs as taught by Novis, in order to provide the user with different arm positions for comfort.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to a chair: U.S Pat. No. 6619747, 7029049, 6802566, 5931537.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 571-272-6859. The examiner can normally be reached on Monday-Thursday 8:30 a.m.-6:30 p.m. .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Erika Garrett
Patent Examiner
Art Unit 3636

EG
October 26, 2007